

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2004 DEC -2 P D 42
CIVIL ACTION NO.: 04-40168FDS 42

CAPITAL RECORDS, INC., a Delaware)
Corporation; WARNER BROS. RECORDS, INC.,)
a Delaware Corporation; ARISTA RECORDS,)
INC., a Delaware Corporation; BMG MUSIC, a)
New York general partnership; SONY MUSIC)
ENTERTAINMENT INC., a Delaware Corporation;)
and UMG RECORDINGS, INC., a Delaware)
Corporation,)
Plaintiffs,)
v.)
JIM FITZPATRICK)
Defendant)

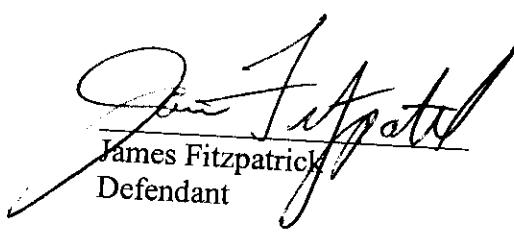
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DEFENDANT'S CERTIFICATION PURSUANT TO
LOCAL RULE 16.1

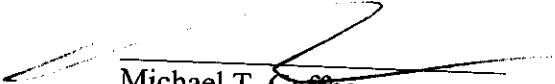
The undersigned counsel and defendant affirm that they have conferred:

- (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of this litigation;
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4

DATED: 11/29/04


James Fitzpatrick
Defendant

By his attorney,


Michael T. Gaffney
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CERTIFICATE OF SERVICE

I, Michael T. Gaffney, Esq., do hereby certify that a true copy of the above document, namely the defendant's certification pursuant to LR 16.1, was served via first-class mail, to Attorneys Colin J. Zick, Gabriel M. Helmer, Foley Hoag, LLP, 155 Seaport Boulevard, Boston, MA 02210-2600.

Dated: December 1, 2004


Michael T. Gaffney, Esq.